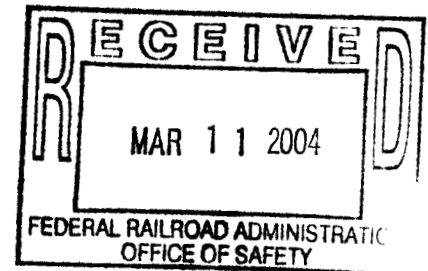


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FEDERAL RAILROAD
ADMINISTRATION

2004 MAR 19 AM 8:42
OFFICE OF CHIEF COUNSEL



ASSOCIATION OF AMERICAN RAILROADS
Law Department
50 F Street, N.W.
Washington, D.C. 20001-1564

Michael J. Rush
Associate General Counsel

FRA-1999-5104-6

March 5, 2004

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Mr. Grady C. Cothen, Jr.
Deputy Associate Administrator for Safety Standards
and Program Development
U.S. Department of Transportation
Federal Railroad Administration
1120 Vermont Avenue, N.W.
Washington, D.C. 20590

DEPT OF TRANSPORTATION
COMMIS
04 MAR 22 PM 3:13

Dear Mr. Cothen:

On December 22, 2003, AAR wrote FRA concerning the waiver FRA granted permitting the testing of flange bearing frog (FBF) crossing diamonds (Docket No. FRA-1999-5104). AAR requested approval of the installation of the first FBF on CSXT at Shelby, Ohio.

CSXT now decided not to install the FBF at Shelby, Ohio. AAR's member railroads will confer on a new initial location for an FBF and will advise FRA when a decision is made. AAR anticipates a decision by May 1, 2004.

AAR would also like to correct for the record a mistake in the description of the Shelby crossing. The description supplied to FRA stated that the crossing was not on a hazardous materials key route. In fact, the route is a key route.

Thank you for FRA's cooperation in the testing of the FBF. AAR is confident that safety will be enhanced through the use of flange bearing frogs.

Sincerely,

Michael J. Rush

cc: Lou Cerny